

RUMSON ZONING BOARD  
SEPTEMBER 20, 2016  
MINUTES

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy.  
Absent: Dr. Wood, Mr. Lizotte

Also present: Mr. Andre', Mr. Reilly, Esq., Bonnie Heard representing T&M Associates and State Shorthand Reporting Service.

The notice requirements of the Open Public Meetings Act were stated as met.  
Fred Andre' the Borough Zoning Officer was sworn.

Chairman Brodsky announces that the first application listed on the agenda as Martelli Development Group, L.L.C. for the property located 2 Markwood Lane, Block 72, Lot 12 in the R-2 Zone will be carried to the October 18th meeting with no further required. By unanimous voice vote the application is carried to October 18, 2016 at 7:30 p.m.

The first application will be that of Matthew and Melissa Schreiber for property located at 14 Bellevue Avenue, Block 15, Lot 2 in the R-1 Zone. Matthew Schreiber owner of the property was sworn. Mr. Schreiber stated that he and his wife have own the property since 2014. Mr. Schreiber introduced Michael Monroe the architect on the project to describe what the proposal is. Michael Monroe, a New Jersey licensed architect is sworn.

Mr. Monroe submitted three exhibits to the Board, SK1, 2 and 3. SK1 is an enlarged rendering which was submitted in the application package. SK2 shows the properties within 200 feet of the subject parcel. SK3 is a series of photographs taken from Google Street View showing the existing condition of the home, and the mature landscaping on the site. The proposal is to add four porches to the house; a small front porch of 8 feet by 12/14 feet, a side and rear porch, and a pergola; adding two dormers and a modest second floor addition; the siding, roofing and window will also be redone. The property has some existing nonconformities such as minimum lot width and frontage of 218 feet existing and 250 feet is required; corner lot shape of 113 feet is existing and 115 feet is required; secondary front setback existing at 48.9 feet where 65 feet is required. The variance being created by this proposal is the primary front setback where 100 feet is required and 93.2 feet is proposed. In 2003 variances were granted for the one-story addition on the side which created the nonconformity for the secondary front setback, frontage and the lot width. In 2006 the installation of a pool was granted. The house is currently setback at 101 feet, so adding a porch creates a nonconformity and one of the dormers is in the secondary side setback. It's a minimal amount. The FAR is less than half of what's allowed. Basically, the applicants would like to make the inside of house more functional and add some aesthetics to the exterior. The siding will be cedar shake and a cedar roof along with improved trim.

Mr. Monroe feels it will be a positive impact to the neighborhood with no negative impacts.

Chairman Brodsky commented on the symmetry and aesthetic appeal of the modest renovations and feel the increase is a minor. Mrs. Seaman agreed with the Chairman and the amount of property surrounding the house make for a wonderful setting.

With no further Board comments or questions. Chairman Brodsky opens the application for public comment. There being none, public portion is closed.

Chairman Brodsky asks the pleasure of the Board. Mrs. Seaman makes a motion to grant the variance; Seconded by Mr. Cottrell.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: None

The application of Forefront Homes, L.L.C., Bernard and Maureen Hackett for property located at 135 Ridge Road, Block 87, Lot 35 in the R-1 Zone. Robert Curley, Esquire representing the applicants addressed the Board. The proposal is to demolish the existing residence and construct a 4,507-square-foot home on an existing conforming lot. The applicant wishes to have the pool, accessory structure and swing set to remain after the house is demolished and while new home is constructed. The ordinance does not allow an accessory structure to be on the property without the primary structure. Another variance being requested is to allow the driveway to be located within five feet of the property line for about 80 feet, which is an existing condition.

Mr. Curley introduces Brian DeCina of French and Perillo. Brian DeCina, a New Jersey licensed engineer is sworn. Chairman Brodsky accepted Mr. DeCina's credentials. Mr. DeCina explains the proposal. The existing gravel driveway is currently at a zero setback off the property line for about 70 or 80 feet and then transitions away from the property line, with a block apron which will also remain. There are no trees being removed. Chairman Brodsky asks if there was a way to mitigate the positioning of the driveway to eliminate there being no setback from the property line. Mr. DeCina advised that the driveway condition exists and there are mature trees located very close and fears any disturbance to the root structure could be detrimental to their health. Mr. Duddy stated that the Board's practice in the past has been that when you start with a clean slate to have applicants comply in all respects. The Holly could be replanted and the moving of the apron would not be complicated.

Don Gwinnell, the Director of Operations for Forefront Homes, builder of the Hackett residence is sworn. Mr. Gwinnell indicated that just off the blue stone entrance to the driveway is the sewer cleanout and the sewer line that services the property. The applicant was looking to not disturb the apron and get involved with moving the sewer cleanouts. That was the rationale to retain the existing driveway and apron.

Chairman Brodsky opens the application for public comments and/or questions. There being none, the public portion is closed.

There being no further Board questions or comments, Chairman Brodsky asks the pleasure of the Board. Mr. Duddy makes a motion to grant the requested variances; Seconded by Mr. Cottrell.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: None

The application of Thomas and Heidi Bevilacqua for property located at 9 Cedar Avenue, Block 70, Lot 34, in the R-5 Zone is presented to the Board. Heidi Bevilacqua, property owner is sworn. Daniel Encin, a New Jersey licensed architect, is sworn. Mrs. Belivacqua stated she has owned the house for two years. She stated they would add a second story addition. Mr. Encin explains there is a required 35-foot front yard setback, and the current setback is 30.8. The proposal is to improve that condition by removing the front vestibule and squaring off or flattening the main 2ace of the house which brings the setback to 34.8 feet. The existing front porch stoop sits at 23 feet and the required is 30 feet, which will remain in place. The existing one-car garage is 220 square feet where 260 square feet is required, and is not proposed to be changed. The current house is a one and a half stories. There is already living space in that attic area. The applicant is looking to remove the rear corner deck to complete the rectangle of the first floor of the house. And expand the second floor to make the home a full two-story house.

The existing condition on the right side is 4.8 feet where eight feet is required; and the total combined side yard setback is 13.3 feet where 18 feet is required. The main variance being sought is due the floor area exceeding 85 percent and is triggered by the addition to the second floor. The second floor would conform with the 35-foot front yard setback.

After further Board discussion, Chairman Brodsky opens the application to public comments and/or questions. There being none, public portion is closed.

Chairman Brodsky stated he feels this is a reasonable request and is addressing the front setback issue, the proposal is comparable to the existing homes in the immediate neighborhood. Thomas Bevilacqua, owner, is sworn and stated there are no plans on removing the tree located in front of the property with this proposal but they will be trimmed.

There being no further discussion Chairman Brodsky asks for the pleasure of the Board. Mr. Duddy makes a motion to approve the variances and application as presented; Seconded by Mr. Cottrell.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: None

The application of Pamela Tirnauer, for property located at 36 Waterman Avenue, Block 139, Lot 3 in the R-5 Zone is presented to the Board. Martin A. McGann, Esquire representing the applicant addressed the Board. Mr. Reilly stated the service is in order and has jurisdiction to hear the application. Mr. McGann gives an overview of the application. Mr. McGann submitted color-coded plans which are marked as Exhibit A-1. Mr. McGann explains that the proposal has no constructions or additions to the home at all. The plans are to convert the existing garage into a combination one-car bay garage and an area for a therapy pool. There will be an internal partition wall inside the garage. Garage will now be shallow and will be access from Waterman Avenue, as opposed to the Grant Avenue access. Lot coverage is reduced by 323 square feet with the shorter driveway. There's a two foot by 20-foot addition to the garage deep enough for the ability to drive a car into the bay, giving for one partitioned room in the garage of therapy pool being 12' by 7'. There's a pre-existing nonconformity because the lot is under-sized. The additional FAR is due to the garage is being expanded by 40 square feet.

Mr. McGann introduces Donald Passman, the architect on the project. Donald Passman a New Jersey licensed architect is sworn. Chairman Brodsky accepts Mr Passman's credentials. Pamela Tirnauer, property owner is sworn. Mrs. Tirnauer stated she's own the property for two years. She currently is a part-time resident in Rumson and New York. The 7' by 12' therapy pool is for health reasons and personal use. There are no other physical changes to the home itself only the relocation of the driveway for vehicular access to the garage. All the siding will be redone. No trees will be removed and the existing landscape will remain. Exhibit A-2, a photograph of existing conditions; Exhibit A-3, a photograph of the existing sideyard are submitted for the Board's review. Mrs. Tirnauer agrees to accept a condition that the area for the therapy pool portion of the garage cannot be converted into anything other than storage space or garage space in the future without seeking Board approval. The proposed deck will be smaller than the deck that's being removed and is for aesthetics.

Mr. Passman stated the access to the therapy will be from the new deck. The therapy pool sits on a concrete slab a little higher than the garage floor. Board Members review the plans with the last revision date of September 15, 2016 and the zoning information sheet submitted by the Zoning Officer. 1,478 square feet is the allowed building coverage. The existing is 2,673 square feet and the proposed is 2,740.3 square feet, which is an increase of 67 square feet. Applicant agrees the reduce the proposed deck to approximately 3.8 inches by 14.5 and relocating the stairs, and revisit the eaves to have everything within the confines of the applicant's property. New plans will be submitted for the Board's review.

Chairman Brodsky opens the application for public comments and/or questions. There being none the public portion is closed.

Chairman Brodsky asks the pleasure of the Board. Mr. Cottrell makes a motion to application with the stated adjustments and a condition that the therapy pool area is only for personal use and cannot be converted

into anything other than storage or garage space without appearing before the Board of Adjustment; Seconded by Mrs. Seaman.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: None

The application of JNM Holdings, L.L.C. for the property located at 95 Avenue of Two Rivers, Block 70, Lots 11.01 and 12 in the NB Zone is presented to the Board. Michael R. Leckstein, Esquire, appearing on behalf of the applicant addresses the Board.

The July 11, 2016 T&M Engineering Report listed items that deem the application technically incomplete and there's no objection to these being waived providing testimony is supplied during the presentation on various items and certain items be added to any future plan revisions and also items that need to be supplied to the Construction Department.

Mrs Seaman makes a motion to deem the application complete, Seconded by Mr. Cottrell.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: None

Michael R. Leckstein, Esquire, appearing on behalf of the applicant addresses the Board. Mr. Leckstein stated the application is somewhat unique. Mr. Leckstein introduces Mr. Mulheren. Alexander (Sandy) Mulheren is sworn. Mr. Mulheren testified that he's been involved with Rumson Management all his life and has been an employee for the past 11 years. The proposal is to consolidated Lots 11.01 and 12, expand the operations currently contained in 95 Avenue of Two Rivers into a structure to be built at 99 Avenue of Two River. The new structure will contain for a small shop space, and storage of large maintenance equipment and some antique vehicles such as a 1935 Jammer, 1954 Willys Jeep and 1938 MG. The equipment and vehicles are rarely used and are currently stored in other facilities. The proposal is for a long-term, low-volume storage of equipment and antique vehicles. There will be no restoration or mechanical work done on the premises. A low volume of clients only visit the site by appointment. The office staff will not be increased and there is no retail associated with the operations.

Chairman Brodsky feels the size and location of the large garage doors gives the appearance of a very commercial warehouse operation in the neighborhood. Mrs. Seaman agrees with the Chairman and wonders if a different design in the garage door might soften the appearance.

Anthony Condouris, New Jersey licensed architect is sworn. Mr. Condouris testified that to have a side entrance existing parking spaces would be sacrificed and making turning maneuvers difficult for the larger vehicles. Mr. Mulheren stated that most of the equipment is moved in and out via trailer which facilitates the need for the non-residential garage doors. Mr. Condouris stated the rendering may appearance to have no setback from the property line but the actual structure is setback 25 feet from the property line. The rear setback was increased and the

building shifted five feet forward giving the building a 20-foot setback from the rear property line. This was done as per a meeting with the rear neighbors. Revised plans dated May 25, 2016 are submitted and marked Exhibit A-1.

James Kennedy, a New Jersey licensed professional engineer, is sworn. Chairman Brodsky accepts Mr. Kennedy's credentials. Mr. Kennedy submitted a colored Site Plan rendering dated September 14, 2016, which is marked as Exhibit A-2. The building has been moved away from the easterly property line and provides a minimum setback of 18 and a half feet to the residential property line to the rear. The corner setback is 20 feet, and 20.6 along the northeasterly corner. This eliminates a variance for the residential buffer. The existing fence will remain. Between the two building an eight-foot courtyard to assist in minimizing the runoff from the site.

The proposed building meets the front 25-foot setback. The entrance canopy does breach the 25-foot setback. The proposal is to have a concrete apron and paved driveway. There will be landscape buffering between Mr. Rosen's property and the subject project. There is no air condition in the storage/garage building, only heat; along with a slop sink and sanitary sewer. Mr. Kennedy testified by the consolidation of the lots the Lot Area will conform at 20,947 square feet. The lot frontage is now conforming. The interior lot shape circle is accommodated. Minimum front setback is 19.7 to the covered porch with the average front setback of the remainder of the building complies at 26.6 feet. The proposal has an existing nonconform side setback of 3.2 feet to the north, and 3.6 feet to the common property line with the adjoining property. The combined setback will be 6.8 feet. The minimum rear yard will be 18.5 feet recognizing that there are jogs in the facade of 20.6 to 20 feet where a 30-foot rear setback is required. A lot coverage of 16,525.5 square feet. The maximum Floor Area Ratio is 9,996 square feet where 7,284 square feet is required, which is a d variance and is the only reason why the application is before the Board. Mr. Kennedy state that the Floor Area Ratio is a determination of intensity. The intensity of this use is caused by the office not by dead storage space within the building. There is an existing identification sign is currently located on the north facade of the structure, will slide down the same wall slightly but in the shape and size. One single residential style pole light is proposed along the buffering in the front which will match the existing two poles.

Currently 12 parking spaces are provided where 11 are required. Applicant is proposing a perforate plastic pipe trench drain system, which is standard practice and requires a design waiver. There will be no disturbance to the existing roadway. Trash and recycling will be stored indoors.

David G. Roberts, a New Jersey licensed professional planner, is sworn. Chairman Brodsky accepted Mr. Robert's credential. Mr. Roberts submitted a handout for the Board's review, which was marked as Exhibit A-3. Mr. Roberts walked the Board through his handout which showed a history of the subject property, the Borough of Rumson Zoning Map, describing the surrounding properties and existing conditions. Page 5 of

the handout illustrates the areas where there are nonconforming issues. By consolidated the two lots eliminates the frontage, lot width and lot area nonconforming issues.

Mr. Roberts summarize the positive criteria for the granting of the d4 variance, which is the FAR and the c2 relief, which is the bulk relief. He stated that the proposed use office/storage replaces a prior nonconforming landscape operation. The proposal improves the visual environment. The proposed project overall does not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan and zoning ordinance.

Chairman Brodsky opens the application for public comment. Dennis Kavanaugh residing at 8 Bay Street is sworn. Mr. Kavanaugh submitted ten photographs, which were marked Exhibit O-1 along with a letter dated May 23, 2013, which was marked Exhibit O-2. Mr. Kavanaugh stated his concerns regarding the proximity of the existing building to his property. There's a portion of the roof that over hangs his property presently. He has experienced heavy water onto his property due to poorly maintained gutters. He feels the proposal is very aggressive and does not fit the area.

Mr. Kennedy responded by saying the newly design courtyard trench system is predicated on a functioning gutter system. He will look at the present condition and insures the new proposal should improve the situation. The gutter system will be invested and measures will be taken so that the water from the new building will be designed to runoff into the 15-inch perforate pipe and 4' by 4' stone trench area.

Brian Henke residing at 10 Bay Street, was sworn. Mr. Henke comment that the applicant accommodated his concerns by moving the building forward. He stated that the easement on the property has been released.

Jane Stabler residing at 94 Avenue of Two Rivers, was sworn. Ms. Stabler stated she appreciates the building being setback 25 feet in the front is an improvement over the previous building, but it does not fit into the character of the neighborhood business zone. It's a little aggressive and harsh and compromises the character of the neighborhood. She feels the movement of large vehicles and equipment in and out will impact the traffic conditions on the Avenue of Two Rivers which is already a heavily traveled road.

Mary O'Connor residing at 100 Avenue of Two Rivers, was sworn. Ms. O'Connor expressed her concerns with the traffic generated from this operation. She also feels the front appears to be very commercial with the rather large garage door right up front. The bay door is big and gives the appearance of a warehouse rather than a neighborhood business look.

Mr. Condouris is recalled and testified that he feels there are a few options to alleviate the water spilling off the roof during an intense storm, and is sure he can come up with a solution for the problem.

There being no further comments, public portion is closed.

Nancy Mulheren is sworn. Mrs. Mulheren stated they are willing to do whatever needs to be done to alleviate the runoff of water onto the neighboring property. And she agrees that the rendering before the Board does look harsh and stark. However, there will be landscaping around the garage door to soften the look. They will also investigate a different style of garage doors to give it a more aesthetic residential appeal. Mrs. Mulheren also stated she works here and passes by the property quite often and she wants to it to look attractive. Everything that can be done as far as directing the water into the drainage area will be done to satisfy the neighboring property owners' concerns.

Chairman Brodsky and Board Members voiced their appreciation for the efforts that will be made regarding the drainage issues, also the aesthetics of the garage door. Several Board Members suggested the applicant revisit the size of the proposed building and the amount of FAR being requested. Their concern is with any future uses that may come to the property having a different intensity of use, could create a problem. Any approval would have a condition of the use being a low intensity use and limited employees, however would be problematic in enforcement.

Mr. Leckstein asks for the Board's indulgence in allowing for a private discussion between himself and his clients. Chairman Brodsky agrees and proceeds with other Business.

Mr. Reilly prepared a Resolution for the Forefront Homes, L.L.C. for property located at 135 Ridge Road. After Board's review of the Resolution, Mr. Cottrell makes a motion to approve the resolution without special conditions; Seconded by Mrs. Seaman.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: None

Chairman Brodsky asks for comments on the July 19, 2016 Minutes. Mr Duddy makes a motion to approve the Minutes as submitted; Seconded by Mr. Cottrell. By unanimous vote voice the July 19, 2016 Minutes are approved.

After the brief caucus with his clients Mr. Leckstein advised the Board the applicants will take all the comments made this evening into consideration and will modify the garage doors. After further discussion with the Board, Mr. Leckstein requests the application be carried to the October 18, 2016 meeting without further notice to allow for the plans to be revisited.

There being no further business before the Board, the meeting is adjourned at 11:10 p.m. The next scheduled meeting will be October 18, 2016 at 7:30 p.m.

Respectfully submitted,

Michele MacPherson